

From: Keith B. Bassett
To: Microsoft ATR
Date: 1/25/02 12:11pm
Subject: Microsoft Antitrust Case

Hello,

I am writing to address the possible settlement of the US vs Microsoft case.

Simply put, the current remedy worries me. If we subscribe to a strictly behavioral punishment for a company which has been proven a monopoly, then how can we design it so that the changing face of technology doesn't allow Microsoft to sidestep it? Because of the volatile nature of the field of technology, and because of Microsoft's proven habit of undermining or purchasing competitors, how can any behavioral punishment foresee the direction that the company will move? Microsoft has shown great ingenuity in getting around this sort of punishment in the past, and the current remedy doesn't appear to be properly drawn to prevent Microsoft from doing so again.

I still subscribe to the idea that a structural remedy would be the best course of action. A dissolution of the company into parts that could compete with each other would seem to produce the greatest economic good for the largest number of consumers and companies. Microsoft would produce better products without the stranglehold on the oem market that they currently hold. Oems would have the option of going with several varieties or flavors of the current microsoft offerings, which would cause serious competition and improvement in the OS offerings. Bugs would be fixed quickly, and the basic solidity of the OS offerings would increase at a similar rate, as the companies struggled for position. File formats might still be a weapon against competitors, but without one clear leader, the level of interoperability would be a serious selling point. Currently the Office offerings import all documents perfectly, but cannot export to other formats without major problems, even ostensibly "open" formats.

However, it appears that the structural remedies have been discarded in favor of action which will be perceived as less drastic.

Perhaps some appropriate remedies include the dissolution of the current OEM preload agreements, with a prohibition of future ones. The Microsoft office suite data file formats could be placed into the public domain, with future format changes coming under review from an independent open standards body. The .NET formats, interconnects and standards could be placed under the overview of an independent open standards body, as could the Microsoft networking protocols.

A drastic, but effective solution would be the seizure and relicensing of the core source code for the range of Microsoft's OSes. If they were relicensed under an open source license they would remain available

regardless of the changes made to them. This, while extreme, would allow for the use of the code by the entire marketplace and increase competition in other areas, forcing Microsoft to compete elsewhere.

These solutions may seem extreme, but they depend upon the fact that Microsoft has a proven monopoly which was obtained by illegal means. If they did not have a monopoly or if it was retained legally these rules would not apply.

If an effective long term remedy is not obtained, then Microsoft will have been given implicit permission to continue their current and former business practices. In fact it will be an endorsement of them and will endanger what little remaining commercial competition they have. I don't know what this will mean for other big companies in the information business, but it certainly gives them a frightening level of control of the American public's access to those companies and to information in general.

Thanks for your time, I know that this was a simple and general letter, but I wanted to let you know what the general public was feeling.

Keith B. Bassett

"To strive, to seek, to find, and not to yield" - Tennyson

CC: Keith B. Bassett